wrong done him in his employment; in other words, that there subsisted between the officer and the public a contractual relation which was protected under the constitutional guaranty as an invasion of private contract. However, according to the overwhelming weight of authority, public policy does not support the theory that an official status, by election or appointment, together with the emoluments of office, constitutes a contract with the public. An officer de jure can recover his salary from the city, so long as it has not been paid to a *de facto* occupant, because he has a title to it, but the very basis of the *de facto* doctrine and policy is to protect the state in making just such a payment as this. That a *de jure* officer cannot recover against the city when it has employed and paid a *de facto* officer is clearly shown by JONES, J., who dissented in the instant case. See also *Bullis* v. *Chicago,* 235 Ill. 472, 85 N. E. 612; *Brown* v. *Tama County,* 122 Iowa 745; *Dolan* v. *Mayor,* 68 N. Y. 274, 23 Am. Rep. 168; *Westberg* v. *Kansas City,* 64 Mo. 493; *Scott* v. *Crump,* 106 Mich. 288, 64 N. W. I.; *Selby* v. *Portland,* 14 Or. 243. The decision is certainly in conflict with the previous cases in Ohio (*Steubenville* v. *Culp,* 38 Ohio St. 18; *State ex rel.* v. *Hawkins,* 44 Ohio St. 98; *Mason* v. *State ex rel.,* 58 Ohio St. 30) and contrary to the better doctrine.

WORKMEN'S COMPENSATION—TENDENCY TO DISEASE.—Because of what the doctors termed a "pre-existing constitutional disease known as syphilis," an injury suffered by A brought on paresis and A became insane and totally unfit for work of any kind. The disease had not interfered with his doing heavy work. Suit was brought for full compensation for his disability. *Held,* that A was entitled to full recovery, notwithstanding that his diseased condition had increased the extent of the injury. *Crowley* v. *City of Lowell,* (Mass. 1916) 111 N. E. 786.

Though the statutes are usually silent on the point decided, the courts have been practically unanimous in applying the rule of torts in regard to injuries which aggravate latent disease. If the latent condition did not itself cause pain, suffering, etc., to the patient, but such condition plus the accident caused the pain, the accident and not the condition is held to be the proximate cause of the injury. *Jones* v. *City of Caldwell,* 20 Idaho 5, 116 Pac. 110. The fact that the person injured had a predisposition to disease, or a latent weakness, cannot avail the defendant to relieve him from liability from the damages which ensue when his negligence brings the dormant disease into activity, or aggravates the latent weakness. *McNamara* v. *Clintonville,* 62 Wis. 207, 22 N. W. 472; *Miller* v. *St. Paul City R'y Co.,* 66 Minn. 192, 68 N. W. 862; *Sloane* v. *South Cal. R'y Co.,* 111 Cal. 668, 44 Pac. 320. Compensation awarded is to be measured by the disability directly traceable to the accident, and when such disability terminates, compensation ceases, although the injured person may be still disabled by the illness, or some other cause wholly unconnected with the accident. *Mack* v. *Pac. Telephone & Telegraph Co.,* Cal. Industrial Acc. B'd. The burden of proof is upon the plaintiff to prove that the harmful development of the disease is due to the injury and not to the natural progress of the disease. *Newman* v. *Ala. G. S. R'y Co.,* 38 Fed. 819.